

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Adoption of Rules for)	
Alternative and Renewable Energy)	
Technology, Resources, and Climate)	
Regulations, and Review of Chapters 4901:5-1,)	Case No. 08-888-EL-ORD
4901:5-3, 4901:5-5, and 4901:5-7 of the Ohio)	
Administrative Code, Pursuant to Chapter)	
4928.66, Revised Code, as Amended by)	
Amended Substitute Senate Bill No. 221.)	

ENTRY

The attorney examiner finds:

- (1) On April 15, 2009, the Commission issued its opinion adopting new rules and modifications to the relevant forecast rules in response to the energy efficiency, alternative energy, and greenhouse gas provisions of Amended Substitute Senate Bill No. 221.
- (2) On May 15, 2009, applications for rehearing were filed by 15 parties or groups, including a joint filing by the Ohio Consumer and Environmental Advocates ("OCEA"), of which the Office of the Ohio Consumers' Counsel ("OCC"), is a member.
- (3) On May 20, 2009, the OCC filed a motion to extend the time for the filing of memoranda contra beyond the ten-day limit imposed by Rule 4901-1-35(B), Ohio Administrative Code (O.A.C.), until June 1, 2009. In support of its motion, OCC asserts that additional time is appropriate given the large number of applications for rehearing and the approaching holiday weekend.
- (4) While this examiner is sympathetic to OCC's concerns about the time constraints imposed in this case, any extension of the time for the filing of memoranda contra will not postpone the statutory 30-day period within which the Commission must act under Section 4903.10, Revised Code. Moreover, further delays in the process of approving these rules may have ramifications upon the implementation of energy efficiency or peak-demand reduction measures by the stakeholders. In order to allow

some time for the consideration of the arguments to be made in the parties' memoranda contra, the examiner believes the parties should be granted an additional day, until May 27, 2009, for the filing of all memoranda contra. Moreover, all memoranda contra should be electronically filed under the procedures established in Case No. 06-900-AU-WVR, unless otherwise directed by the attorney examiner.

It is, therefore,

ORDERED, That the parties be granted until May 27, 2009, for the filing of any memoranda contra any application for rehearing; and that all such memoranda contra be electronically filed unless otherwise directed by the attorney examiner. It is, further,

ORDERED, That a copy of this entry be served upon each party of record.


THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Richard M. Bulgrin
Attorney Examiner

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/vrm

Entered in the Journal
MAY 21 2009



Renee J. Jenkins
Secretary